

UNITED STATES DISTRICT COURT
Northern District of California

FRED DOYLE HARDEN,

Plaintiff,

v.

CITY OF CLAYTON, et al.,

Defendants.

No. C 10-04155 MEJ

**ORDER DISCHARGING THIRD
ORDER TO SHOW CAUSE**

ORDER RE: MOTION TO DISMISS

On June 14, 2011, the Court issued a third order to show cause against Plaintiff Fred Doyle Harden as to why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Having received Plaintiff's counsel's declaration in response, the Court hereby DISCHARGES the order to show cause. However, Plaintiff should be mindful that any future failure to comply with deadlines established in this case will likely result in the imposition of sanctions, including reimbursement of any expenses incurred by Defendants as a result of said failure.

As to the pending motion to dismiss, it appears that the parties might stipulate to permit an amendment to Plaintiff's complaint which would render the motion to dismiss moot; however, a stipulation appears dependent upon whether the parties are able to reach an agreement regarding production of certain Contra Costa Superior Court records. Accordingly, the Court hereby ORDERS the parties to meet and confer regarding the filing of an amendment complaint and production of the state court records. If able to reach an agreement, the parties shall file a stipulation and proposed order by June 30, 2011. If unable to reach an agreement, the parties shall notify the Court in writing by June 30, 2011 that they wish to obtain a ruling on the motion. The parties

1 should note that the Court is inclined to grant leave to amend, and any meet-and-confer efforts must
2 be made in good faith.

3 **IT IS SO ORDERED.**

4
5 Dated: June 16, 2011



6 Maria-Elena James
7 Chief United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28